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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,324	03/16/2001	Steven M. Schein	ST/ 028 CONT 2	9059

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EXAMINER
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TRAN, HAI V

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/810,324

Applicant(s)

SCHEIN ET AL.

Examiner

Hai Tran

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 4/7/06

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/17/2006 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al (US 5,758,257) in view of Throckmorton et al. (US 5818441).
- 2.

Regarding claim 1, an interactive program guide having a display screen comprising:

A database for storing television schedule information including television program titles (Col. 25, lines 16-18). For instance, at col.25, line 16, Herz discloses "storing at the set top multimedia terminal..." Clearly, this meets the limitation of storing television schedule information including television program titles.

A display controller electrically coupled to the database for displaying some of the television schedule information including television program titles on the display screen (Col.5, lines 13-15).

An input device for selecting a television program title displayed on the display screen (RC 1008; Fig. 10);

A processor (Fig. 10, el. 1006) for identifying data available on the public network (Internet) that is related to the selected television program title (reads on the system bases on user's profile that contains of selected TV program titles viewed by a viewer, the system identifies related data, i.e. advertisement, to selected TV program title viewed and then presents it to viewer; see Col. 41, lines 20-25 and Col. 51, lines 48-55. Moreover, Herz discloses the collected data, i.e. user profile, could be collected by the data collection system 508,622 on a real-time basis, see Col. 42, lines 60-63; For example, the TV program title is collected by the data collection system (508,622) each time the user selects it, and based on the collected data (selected TV program title viewed by a viewer), the system identifies related data to the collected data and then presents related data to corresponding viewer);

A communication device (Fig. 10, el. 1020) for receiving the identified data related to the selected television program title; and

A controller for displaying the received data related to the selected television program title on the display screen (Col.46, lines 54-60 and Col. 51, lines 3-65+).

Herz does not clearly disclose that the receiver device is able to receive a 2<sup>nd</sup> user selection requesting that data available on a public network and related to the selected television program title be displayed.

Throckmorton discloses a PC/TV device able to receive a 1<sup>st</sup> user selection of a TV program title by tuning and receiving a 2<sup>nd</sup> user selection requesting that data available on a public network and related to the selected television program title be displayed (Col. 1, lines 24-45; Col. 8, lines 52-Col. 9, lines 25) and a processor (Fig. 4-5) for identifying data available on the public network (Internet) that is related to the selected television program title. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz with the teaching of allowing user to obtain additional information related to TV program currently viewed, as taught by Throckmorton, so to enhance viewer experience of being able to interact with the currently watching a TV program (Col. 1, lines 36-46).

Regarding claim 2, wherein the database resides on one or more remote file servers accessible through a communication link (Col.46, line 65-67).

Regarding claim 3, wherein the communication link comprises an Internet (Col.51, lines 6-7).

Regarding claim 4, wherein the identified data comprises an advertisement (Col. 41, lines 20-25; Col.47, lines 59-67 and Col.48, lines 1-5).

Regarding claim 5, Herz further discloses means for monitoring (Col.14, lines 3-7) and storing a plurality of user selections of television programs (Col.25, lines 37-41);

Means for learning a user preference based on the plurality of user selections of the television programs (Col. 6, lines 50-57);

Means for activating the program guide based on the user preference (for reminding the user to view the preferred television program; Col.23, lines 1-7);

Regarding claim 6, wherein the means for learning the user-preference comprises means for storing the user preference responsive to a user input (Col.22, lines 19);

Regarding claim 7, wherein the user preference comprises a television program (Col.25, lines 16-18).

Regarding claim 8, wherein the user preference comprises a theme for a plurality of television programs (Col. 4, lines 32-34).

Regarding claim 9, wherein the means for activating comprises means for reminding a user to view a preferred television program (Col.23, lines 1-7).

Regarding claim 10, wherein the means for activating comprises means for recording a preferred television program (a record is kept of all movies or shows watched by all customers, Col. 1, lines 50-55 and Col.38, lines 42-43).

Regarding claim 11, wherein the means for activating comprises means for downloading a copy of a preferred television program to a digital storage medium (memory; Col.51, lines 40-52).

Regarding claim 12, wherein the activating means comprises means for searching the television schedule information (Col. 5, lines 54-58); means for identifying television programs matching the theme for the plurality of television programs (Col. 6, lines 1-35); and means for recording the television programs matching the theme for the plurality of television programs (Col. 25, lines 15-30).

Regarding claim 13, wherein the activating means comprises means for searching the television schedule information (Col. 5, lines 54-58); means for

identifying television programs matching the theme for the plurality of television programs (Col. 6, lines 1-35); and downloading a copy of the television programs matching the theme for the plurality of television programs to a digital storage medium (Col. 25, lines 15-30).

Regarding claim 14, wherein the means for activating comprises means for adapting the television schedule information displayed on the screen based on the user-preference (Col.45, line 14-38).

Regarding claim 15, further comprising:

means for displaying preview programming for future-scheduled television program (Col.48, lines 48-55);

means for identifying a plurality of sources of information (Col.4, lines 33) having data related to the future-scheduled television program (Col. 41, lines 25-30);

means for selecting an identified source of information (advertiser) having data (advertisement) related to the future-scheduled television programs (Col. 41, lines 25-30);

means responsive to the selected source of information for establishing a link to the identified source of information (Fig.10, Col.47, lines 55-65+); and

means for displaying data (targeted advertising) from the linked source of information (advertiser) on the screen (Col.47, lines 54-65+).



Regarding claim 16, wherein the data related to the future-scheduled television program comprises one or more advertisement, video preview, and textual information (Col.47, lines 54-65+; Col. 51, lines 5-28 and lines 50-52);

Regarding claim 17, further comprising means for storing and displaying advertisement data (Col. 47, lines 59-67 and Col.48, lines 1-5).

Regarding claim 18, wherein the identified data comprises one or more of selected TV program actors, actresses, themes, other broadcast times, other broadcast sources, and associated available products (Col. 4, lines 64-67; Col. 51, lines 48-55).

Claim 19 is analyzed with respect to claim 1

Claim 20 is analyzed with respect to claim 2

Claim 21 is analyzed with respect to claim 3

Claim 22 is analyzed with respect to claim 4

Claim 23 is analyzed with respect to claim 5

Claim 24 is analyzed with respect to claim 6

Claim 25 is analyzed with respect to claim 7

Claim 26 is analyzed with respect to claim 8

Claim 27 is analyzed with respect to claim 9

Claim 28 is analyzed with respect to claim 10

Claim 29 is analyzed with respect to claim 11

Claim 30 is analyzed with respect to claim 12

Claim 31 is analyzed with respect to claim 13

Claim 32 is analyzed with respect to claim 14

Claim 33 is analyzed with respect to claim 15

Claim 34 is analyzed with respect to claim 18

Claim 35 is analyzed with respect to claim 16

Claim 36 is analyzed with respect to claim 17

Claim 37 is analyzed with respect to claim 18

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
03/30/2006

A handwritten signature in black ink, appearing to read 'HAITRAN', with a long horizontal line extending from the end of the signature.

**HAITRAN  
PRIMARY EXAMINER**